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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

UNITED STATES OF AMERICA,)	Case No. 4:23-cv-03451-KAW
)	
Petitioner,)	ORDER TO SHOW CAUSE WHY INTERNAL
)	REVENUE SERVICE SUMMONSES SHOULD
v.)	NOT BE ENFORCED
)	
MIROSLAV G. SARBAEV, in his individual)	<u>AS MODIFIED</u>
capacity and in his official capacity as president)	
of Your Net Works, Inc.)	
)	
Respondent.)	
)	
)	

Good cause having been shown by the Petitioner upon its petition filed in the above-titled proceeding, it is hereby:

ORDERED that Respondent Miroslav G. Sarbaev ("Respondent") appear before this Court on the 16th day of November, 2023, at 1:30 p.m., in Courtroom No. 4, United States District Court, 1301 Clay Street, Oakland, California, and then and there show cause, if any, why Respondent should not be compelled to appear and provide documents and testimony as required by the summonses heretofore served upon Respondent as alleged and set forth in particular in said petition; and it is further:

ORDERED that a copy of this Order to Show Cause, together with a copy of the aforesaid petition, be served upon said Respondent in accordance with Rule 4 of the Federal Rules of Civil

ORDER TO SHOW CAUSE

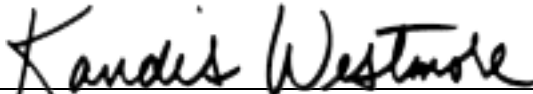
Procedure ~~at least thirty-five (35) days before the return date of this Order above specified~~ on or before September 8, 2023; and it is further:

ORDERED that ~~within twenty-one (21) days before the return date of this Order~~ on or before September 29, 2023, Respondent may file and serve a written response to the petition, supported by appropriate affidavit(s) or declaration(s) in conformance with 28 U.S.C. § 1746, as well as any motion Respondent desires to make. ~~that the~~ Petitioner may file and serve a written reply to such response, if any, ~~within fourteen (14) days of service of the Respondent's filings. before the return date of this Order; that~~ by October 13, 2023. Notwithstanding, by October 13, 2023, Petitioner shall file a proposed order inclusive of all relief sought by way of the petition.

All motions and issues raised by the pleadings will be considered ~~on the return date of this Order~~, and only those issues raised by motion or brought into controversy by the responsive pleadings and supported by affidavit(s) or declaration(s) will be considered ~~at the return of this Order. and~~ Respondent is advised that any uncontested allegation in the petition will be considered admitted. See Foster v. Adams & Assocs., Inc., 2020 WL 3639648, at *3 n.3 (N.D. Cal. July 6, 2020) (citing Booth v. United States, 914 F.3d 1199, 1206 (9th Cir. 2019)) (declining to consider argument raised for the first time during oral argument); Sloan v. Gen. Motors LLC, No. 16-CV-07244-EMC, 2020 WL 5517244, at *5 (N.D. Cal. Sept. 14, 2020) (arguments made for first time at hearing were waived).

IT IS SO ORDERED.

Dated: August 14, 2023


HON. KANDIS A. WESTMORE
United States Magistrate Judge